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Attorneys for Defendant
KEN PAXTON, ATTORNEY GENERAL OF
THE STATE OF TEXAS

IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

YELP INC.,

Plaintiff,

v.

KEN PAXTON, ATTORNEY GENERAL OF
THE STATE OF TEXAS, in his official
capacity,

Defendant.

Case No. 3:23-cv-04977-TLT

**DECLARATION OF RYAN HANLAN IN
SUPPORT OF DEFENDANT'S REPLY
IN SUPPORT OF MOTION TO DISMISS**

Date: February 20, 2024

Time: 2:00 p.m.

Place: Courtroom 9

Case Filed: September 27, 2023

DECLARATION OF RYAN HANLAN

I, Ryan Hanlan, declare:

1. I am an Investigator in the Consumer Protection Division (“CPD”) of the Texas Office of the Attorney General (“OAG”). I make this my declaration in this case from personal knowledge of this case and can competently attest to the facts of this declaration.

2. Since April 2023, I have been involved in an investigation of Yelp Inc. (“Yelp”) that forms the basis of OAG’s State Court enforcement action against Yelp filed on September 28, 2023.

3. As part of my investigation of Yelp, I reviewed multiple public-facing pieces of information, including the February 7, 2023 letter Attorney General Ken Paxton sent, along with the Attorneys General of 23 other States, to Yelp’s CEO, Jeremy Stoppelman. I also reviewed Yelp’s February 8, 2023 response to that letter.

4. CPD’s investigation into Yelp has also included review of multiple non-public pieces of information. For example, as part of my investigation of Yelp, I have reviewed correspondence between CPD and staff of a pregnancy resource center in Texas.

5. In April 2023, after Yelp changed the notice that it was appending to pregnancy resource center Yelp pages, pregnancy resource center staff emailed CPD to complain about Yelp’s conduct forming the basis of OAG’s State Court enforcement action. For example, among the material I have reviewed, on April 3, 2023, one pregnancy resource center emailed CPD attaching several pictures of its earlier correspondence with Yelp representatives about Yelp’s prior notice on pregnancy resource center Yelp pages. The pregnancy resource center also forwarded its own internal notes to our office notes regarding Yelp’s initial disclaimer on pregnancy resource center Yelp pages, reading as follows:

All PRCs have been slapped with this new ‘Consumer Notice’ as well, and for many of us, it is simply false. [Our center] has licensed medical staff onsite at our center and mobile unit during ALL office hours. I have provided Yelp with the names of every nurse on staff and our medical director I have also offered to provide them with copies of their medical licenses from the State of Texas.

1 6. I also reviewed a pregnancy resource center's email to our office on April 3, 2023,
2 showing other correspondence with Yelp. In that email, the pregnancy resource center
3 demonstrated how it asked Yelp:

4 for the "consumer notice" attached to our profile be removed since
5 we have medical staff at our center during office hours.

6 ...

7 The names of our medical staff are listed below, again. If you would
8 like copies of their licenses from the State of Texas, I would be
9 happy to provide those. If there is additional information Yelp needs
10 to prove that we provide medical services, with excellence, Monday
11 through Friday, and always with medical staff onsite, we are happy
12 to do so.

13 7. I have also reviewed material from the same pregnancy resource center attaching
14 an email from Yelp that stated: "The consumer notice is applicable to all Crisis Pregnancy
15 Centers and cannot be removed at this time."

16 8. As part of my investigation of Yelp, I also confirmed to the best of my knowledge
17 that the misleading "consumer notice" Yelp attached to pregnancy resource centers'
18 business pages was an issue that affected pregnancy resource centers in Texas. I came to
19 this determination based on: (1) our office's emails with pregnancy resource center staff;
20 (2) Yelp's response to pregnancy resource center communications stating that the
21 consumer notice was "applicable to all Crisis Pregnancy Centers"; and (3) several news
22 articles reporting on the issue.

23 9. As part of my investigation, I also confirmed that no similar disclaimer was present
24 on pages for various providers of abortion services.

25 10. Between the time of the February 7, 2023 letter from the Attorneys General and
26 OAG's filing of its State Court lawsuit against Yelp in Bastrop County, Texas, there were
27 multiple executive leadership changes at OAG. Specifically, Governor Greg Abbott
28 appointed John Scott as Provisional Attorney General of OAG on May 31, 2023, during
the pendency of impeachment proceedings against Attorney General Ken Paxton. (Under
Texas law, a State officer is automatically suspended from office during an impeachment.)
On July 10, 2023, John Scott was replaced as Provisional Attorney General by Angela

1 Colmenero. On September 16, 2023, the Texas Senate voted to acquit Attorney General
2 Ken Paxton of impeachment charges, and he then automatically resumed his tenure as
3 Attorney General of Texas.

4 11. Between the time of the February 7, 2023 letter from the Attorneys General and
5 OAG's filing of its State Court lawsuit against Yelp in Bastrop County, Texas, CPD also
6 underwent multiple leadership changes. On May 15, 2023, Steven Robinson, the former
7 Chief of the Consumer Protection Division, was appointed Chief of the Tax Division at
8 OAG. On May 17, 2023, Christin Vasquez was appointed Interim Chief of the Consumer
9 Protection Division. And on July 2, 2023, Ryan Baasch was appointed as Chief.

10 12. It is my experience that the multiple changes of leadership, both at the executive
11 leadership level and within CPD, led to slowed internal approval processes for
12 investigations.

13 13. In May 2023, I stopped working on this case to focus on other investigatory work.
14 On or around September 1, 2023, I became aware that OAG was likely to file suit against
15 Yelp, and resumed my work on this case. Specifically, I reviewed the emails OAG had
16 previously received regarding pregnancy resource centers, performed entity research on
17 Yelp, and reviewed various pregnancy resource centers' webpages to determine their
18 prevalence in Texas.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed on November 6, 2023, at Austin, Texas

21
22 /s/ Ryan Hanlan
23 RYAN HANLAN
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